

REMARKS

The Application has been carefully reviewed in light of the Office Action dated May 7, 2004. Claims 46 to 95 are in the application, of which Claims 46, 49, 52, 57 and 59 to 68 are independent. Claim 68 is being amended herein. Reconsideration and further examination are respectfully requested.

Initially and with respect to a formal matter, enclosed is a copy of JPU 03-071329, together with a copy of the February 20, 2004 Information Disclosure Statement and accompanying form PTO-1449, receipt of all of which by the USPTO is evidenced by the enclosed stamped postcard. Applicants respectfully request the Examiner to initial the appropriate portion of the form PTO-1449 to indicate that this reference has been considered and made formally of record.

Figure 26 is being amended to remove the "Prior Art" legend, which was mistakenly placed on the drawing. More particularly, the drawing depicts a smart card such as that shown in Figures 1 and 5 of Australian Provisional Patent Application No. PP6419, to which the present application claims priority. A substitute drawing accompanies the Request. In addition, the specification has been amended in concordance with the amendment to the drawing.

The Office Action objects to Claim 68 and states that the phrase "the Internet" lacks proper antecedent basis. While it is believed that the phrase is clear and unambiguous, Applicants are amending Claim 68 to read "an internet". Reconsideration and withdrawal of the objection are therefore respectfully requested.

By the Office Action, Claims 46, 48 to 53, 56 to 67 and 70 to 95 are rejected under 35 U.S.C. § 103(a) over WO 95/35534 (Combaluzier) and U.S. Patent 6,032,857 (Kitagawa), Claim 47 is rejected under 35 U.S.C. § 103(a) over Combaluzier, Kitagawa

and U.S. Patent 5,015,830 (Masuzawa), and Claims 54 and 55 are rejected under 35 U.S.C. § 103(a) over Combaluzier, Kitagawa and U.S. Patent 6,308,202 (Cohn).

The invention concerns a card adapted for insertion into a card reader that communicates with a computer device. The card includes selectable indicia on a surface of the card, and a storage device which stores memory references related to a memory device external to the card, the memory references being associated with the indicia.

The invention further relates to a card customizing apparatus and method, a card reader and method, and a computer device for communicating with the card reader (and method), all adapted for use of the card. In particular, in use, selection of one of the indicia while the card is inserted into the reader causes accessing of corresponding data stored in the external memory device, using the memory reference associated with the selected indicium.

In contrast, the card described in Combaluzier, while clearly a memory card that stores information, is not seen to store memory references to a memory device external to the card, and to associate indicia on the surface of the card with memory references, wherein selection of one of the indicia while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the selected indicium.

While Kitagawa uses an IC card which stores electronic money and other transaction data, Kitagawa is understood only to use the IC card to store and retrieve such information. That is, Kitagawa is seen to describe an IC card that is inserted in a card reader to retrieve and to store information, i.e., electronic money and other transaction data, in the memory of the card. Kitagawa is not seen to show that the IC card has selectable indicia on the surface of the card, which are associated with memory references relating to

an external memory device, wherein selection of one of the indicia on the surface of the card while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the indicium selected from the surface of the card.


It is conceded in the Office Action, at page 3, that Combaluzier fails to show these features of the claim.

Cohn and Masuzawa are also not seen to disclose associating indicia on the surface of a card with memory references, wherein selection of one of the indicia while the card is inserted into a card reader causes access of corresponding data stored in the external memory device using the memory reference associated with the selected indicium

Accordingly, it is believed that the claims herein recite subject matter that would not have been obvious over any permissible combination of the cited references.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,


Attorney for Applicants
Carole A. Quinn
Registration No.: 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 84747v1

IN THE DRAWINGS:

The drawings are being amended herein as follows:

Figure 26: Remove the “Prior Art” legend.

A substitute drawing sheet, which includes amended Figure 26, is enclosed.